

Serial No. 10/009478

PATENT

IN THE UNITED STATES RECEIVING OFFICE **IC18 Rec'd PCT/PTO 18 JAN 2002**

In re Application of: Michael Hayden et al.	Docket No.: 46083.011000
Serial No.: 10/009478 Filed: December 13, 2001	International Application No. PCT/CA01/00495
International Application Filing Date: April 12, 2001	Priority Date: April 13, 2000
Title: Modulating Cell Survival by Modulating Huntingtin Function	

Honorable Assistant Commissioner for Patents  
Washington, D.C. 20231

**PROPER REPLY TO ANTICIPATED NOTIFICATION OF ABANDONMENT**

Sir:

Enclosed is a Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally under 37 CFR 1.137(b).

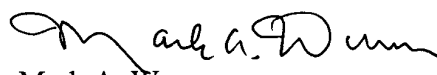
Applicant unintentionally failed to enclose the U.S. Basic National Fee and did not provide authorization to charge the deposit account. Applicant claims Small Entity Status and seeks a grantable petition. Enclosed is a check in the amount of \$445.00 for the basic National Small Entity Filing Fee under 37 CFR 1.492(a)(5). Please charge the amount of \$640.00 to cover the Small Entity Petition Fee for Revival under 37 CFR 1.17(m) to Deposit Account 50-0653.

As stated in the Petition, the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

Please charge any deficiencies or credit any overpayment related to this response to Deposit Account 50-0653.

01/23/2002 HINGUYEN 00000016 500653 10009478  
01 FC:971 445.00 OP

Respectfully submitted,

  
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703-903-7533  
January 18, 2002

MAW/SLF

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)</b>	<b>Docket Number (Optional)</b> 46083.011000
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First named inventor: Michael HAYDEN et al.

International (PCT) Application No.: PCT/CA01/00495 U.S. Application No.: 10/009,478

Filed: April 12, 2001

(if known)

Filed: December 13, 2001

Title: Modulating Cell Survival by Modulating Huntingtin Function

Attention: PCT Legal Staff  
Box PCT  
Assistant Commissioner for Patents  
Washington, D.C. 20231

The above-identified application became abandoned as to the United States because the fees and documents required by 35 U.S.C. 371(c) were not filed prior to the expiration of the time set in 37 CFR 1.494(b) or (c) or 1.495(b) or (c) as applicable. The date of abandonment is the day after the date on which the 35 U.S.C. 371(c) requirements were due. See 37 CFR 1.494(g) or 1.495(h).

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee
- (2) Proper reply
- (3) Terminal disclaimer with disclaimer fee—required for all international applications having an international filing date before June 8, 1995; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**

☒ Small entity - fee \$ 640.00 (37 CFR 1.17(m)). Applicant claims small entity status.  
See 37 CFR 1.27. (authorization to charge Deposit Account 50-0653).

☐ Other than small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(m))

**2. Proper reply**

A. The proper reply (the missing 35 U.S.C. 371(c) requirement(s) in the form of the full basic national filing fee \_\_\_\_\_ (identify type of reply):

Check for \$445.00 and authorization to charge Deposit Account 50-0653.

☐ has been filed previously on \_\_\_\_\_.

☒ is enclosed herewith, along with a statement of Proper Reply to Anticipated Notification of Abandonment.

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Burden Hour Statement: This form is estimated to take 1.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## 3. Terminal disclaimer with disclaimer fee

- ☒ Since this international application has an international filing date on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$\_\_\_\_\_ for a small entity or \$\_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. Statement. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

January 18, 2002

Date

Telephone  
Number: (703) 749-1355

Mark A. Wurm

Signature

Mark A. Wurm Reg. # 31,682

Typed or printed name

Greenberg Traurig

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Enclosures: ☒ Response

☒ Fee Payment

☐ Terminal Disclaimer Form

☒ Authorization to charge Deposit Account 50-0653.